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EXAMINER
SHIH, SALLY

ART UNIT	PAPER NUMBER
3624	

DATE MAILED: 09/09/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/638,779	LEISLE, RALPH D.
	Examiner	Art Unit
	Sally Shih	3624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *15 August 2000* .

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-27* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-27* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) *5 & 6* .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

1. This application has been reviewed. Original claims 1-27 are pending. The objections and rejections cited are as stated below:

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-27 are rejected under 35 U.S.C. 102(e) as being anticipated by Moran (United States Patent Number 6,430,542 B1).

Claims 1 and 21: Moran discloses a computer program and a corresponding method comprising:

a storage routine adapted and configured to store, in a storage device, user-controlled data indicative of a hypothetical scenario of future long-term care costs and of one of a plurality of insurance options (Moran: fig. 5; simulator (115); col. 24, line 6; col. 25, lines 58-61; col. 26, lines 23-42); (Buchanan: col. 2, lines 58-62; col. 3, lines 17-22); and

a process routine adapted and configured for using the stored data to determine an economic impact of the long-term care costs on personal assets, the process routine including

calculations to account for hypothetical tax consequences resulting from a sale of a portion of the personal assets to pay the long-term care costs (Moran: fig. 35; simulator (115); col. 26, lines 23-35, 50-51).

Claim 2: Moran discloses the computer program of claim 1 wherein the process routine is adapted and configured to perform calculations that account for hypothetical unrealized investment opportunity resulting from an absence of the portion of the personal assets due to the sale of the portion of the personal assets (Moran: fig. 2; simulator (115); col. 26, lines 55-64).

Claims 3 and 26: Moran discloses the computer program of claim 2 and corresponding method wherein the process routine is adapted and configured to determine the economic impact of the future long-term care costs on the personal assets as a function of time and to output the economic impact for at least a first and second point in time (Moran: fig. 5; simulator (115); col. 27, lines 54-57, 63-65).

Claim 4. Moran discloses the computer program of claim 3 wherein the second point in time represents a point in time after the long-term care costs have hypothetically ceased being incurred, the economic impact for the second point in time being greater than the economic impact at the time the long-term care costs cease due to the unrealized investment opportunity calculations (Moran: fig. 5; simulator (115); col. 27, lines 54-57, 63-65; col. 28, lines 9-18).

Claim 5. Moran discloses the computer program of claim 1 wherein the economic impact represents an insured economic impact and the portion of the personal assets is a first portion and

wherein the process routine adapted and configured for using the stored data to determine the insured economic impact includes calculations to account for periodic premium payments and monetary insurance benefits received (Moran: col. 18, line18; col. 24, lines 26-29), and further comprising

a process routine adapted and configured for using the stored data to determine an uninsured economic impact of the long-term care costs on the personal assets, the process routine adapted and configured for using the stored data to determine an uninsured economic impact including calculations to account for hypothetical tax consequences resulting from a sale of a second portion of the personal assets to pay the long-term care costs, the uninsured economic impact being independent of any periodic premium payments and any monetary insurance benefits received (Moran: fig. 5; simulator (115); col. 26, lines 43-51; col. 27, lines 54-57).

Claim 6. Moran discloses the computer program of claim 5 wherein the hypothetical tax consequences are accounted for in the process routine adapted and configured for using the stored data to determine the insured economic impact by assuming that any long-term care costs in excess of the monetary insurance benefits and all of the insurance premiums are paid for by the sale of the first portion of the personal assets and wherein the process routine adapted and configured for using the stored data to determine the insured economic impact includes calculations to account for hypothetical unrealized investment opportunity resulting from an absence of the first portion of the personal assets due to the sale the first portion of the personal assets and the process routine adapted and configured for using the stored data to determine the uninsured economic impact includes calculations to account for hypothetical unrealized

investment opportunity resulting from an absence of the second portion of the personal assets due to the sale of the second portion of the personal assets (Moran: fig. 5; simulator (115); col. 26, lines 23-42).

Claim 7. Moran discloses the computer program of claim 5 further comprising an output routine for facilitating the graphical display of the insured and uninsured economic impacts in a manner allowing proportional visualization of the magnitudes thereof (Moran: col. 10, lines 40-46).

Claims 8 and 23: Moran discloses a computer program and corresponding method comprising:

a storage routine adapted and configured to store, in a storage device, user-controlled data indicative of a hypothetical scenario of future long-term care costs and of one of a plurality of insurance options (Moran: fig. 5; simulator (115); col. 24, line 6; col. 25, lines 58-61; col. 26, lines 23-42);

a process routine adapted and configured for using the stored data to determine an insured economic impact of the long-term care costs on personal assets, the process routine adapted and configured for using the stored data to determine the insured economic impact including calculations of a first portion of the personal assets hypothetically sold to pay the long-term care costs and calculations to account for periodic premium payments and monetary insurance benefits received (Moran: col. 18, line18; col. 24, lines 26-29); and

a process routine adapted and configured for using the stored data to determine an uninsured economic impact of the long-term care costs on the personal assets, the process routine adapted and configured for using the stored data to determine the uninsured economic impact including calculations of a second portion of the personal assets hypothetically sold to pay the long-term care costs, the uninsured economic impact being independent of any periodic premium payments and any monetary insurance benefits received. (Moran: fig. 5; simulator (115); col. 26, lines 43-51; col. 27, lines 54-57).

Claim 9. Moran discloses the computer program of claim 8 further comprising an output routine for facilitating the graphical display of the insured and uninsured economic impacts in a manner allowing proportional visualization of the magnitudes thereof (Moran: col. 10, lines 40-46).

Claim 10. Moran discloses the computer program of claim 8 wherein the process routine adapted and configured for using the stored data to determine the insured economic impact includes calculations to account for hypothetical unrealized investment opportunity resulting from the hypothetical sale of the first portion of the personal assets and wherein the process routine adapted and configured for using the stored data to determine the uninsured economic impact includes calculations to account for hypothetical unrealized investment opportunity resulting from the hypothetical sale of the second portion of the personal assets (Moran: fig. 5; simulator (115); col. 26, lines 43-51; col. 27, lines 54-57).

Claim 11. Moran discloses the computer program of claim 10 wherein the process routine adapted and configured for using the stored data to determine the insured economic impact includes calculations to account for hypothetical tax consequences resulting from the sale of the first portion of the personal assets and wherein the process routine adapted and configured for using the stored data to determine uninsured economic impact includes calculations to account for hypothetical tax consequences resulting from the sale of the second portion of the personal assets (Moran: fig. 5; simulator (115); col. 26, lines 23-42).

Claim 12. Moran discloses the computer program of claim 11 wherein the hypothetical tax consequences are accounted for in the process routine adapted and configured for using the stored data to determine the insured economic impact by assuming that any long-term care costs in excess of the monetary insurance benefits and all of the insurance premiums are paid for by the sale the first portion of the personal assets (Moran: fig. 5; simulator (115); col. 26, lines 23-42).

Claim 13. Moran discloses the computer program of claim 11 wherein the process routine adapted and configured for using the stored data to determine the uninsured economic impact determines the uninsured economic impact as a function of time and is configured to output the uninsured economic impact for at least first and second points in time, and wherein the process routine adapted and configured for using the stored data to determine the insured economic impact determines the insured economic impact as a function of time and is configured to output

the insured economic impact for at least the first and the second points in time (Moran: fig. 5; simulator (115); col. 27, lines 54-57, 63-65).

Claim 14. Moran discloses the computer program of claim 13 wherein the second point in time represents a point in time after the long-term care costs have hypothetically ceased being incurred, the insured and uninsured economic impacts for the second point in time being greater than the insured and uninsured economic impacts respectively at the time the long-term care costs cease due to the unrealized investment opportunity calculations (Moran: fig. 5; simulator (115); col. 27, lines 54-57, 63-65; col. 28, lines 9-18).

Claim 15. Moran discloses the computer program of claim 13 further comprising an output routine for facilitating graphical display of the insured and uninsured economic impacts in a manner allowing proportional visualization of the magnitudes thereof (Moran: col. 10, lines 40-46).

Claim 16. Moran discloses a computer program comprising:

a storage routine adapted and configured to store, in a storage device, user-controlled data indicative of a hypothetical scenario of future long-term care costs and of one of a plurality of insurance options (Moran: fig. 5; simulator (115); col. 24, line 6; col. 25, lines 58-61; col. 26, lines 23-42); and

a process routine adapted and configured for using the stored data to determine an economic impact of the future long-term care costs on personal assets as a function of time, the process routine being configured to output the economic impact for at least first and second points in time and to calculate a portion of the personal assets hypothetically sold to pay the long-term care costs at each of the points in time (Moran: fig. 5; simulator (115); col. 27, lines 54-57, 63-65).

Claim 17. Moran discloses the computer program of claim 16 wherein the economic impact represents an insured economic impact and each portion of the personal assets is a first portion, the process routine adapted and configured for using the stored data to determine the insured economic impact including calculations to account for periodic premium payments and monetary insurance benefits received (Moran: fig. 5; simulator (115); col. 24, line 6; col. 25, lines 58-61; col. 26, lines 23-42), the computer program further comprising

a process routine determining an insured economic impact of the long-term care costs on personal assets based on the acquired data, the determination of the insured economic impact including performing calculations of a first portion of the personal assets hypothetically sold to pay the long-term care costs and calculations to account for periodic premium payments and monetary insurance benefits received (Moran: col. 18, line18; col. 24, lines 26-29); and determining an uninsured economic impact of the long-term care costs on the personal assets based on the acquired data, the determination of the uninsured economic impact including performing calculations of a second portion of the personal assets hypothetically sold to pay the long-term care costs, the uninsured economic impact being independent of any periodic premium

payments and any monetary insurance benefits received (Moran: fig. 5; simulator (115); col. 26, lines 43-51; col. 27, lines 54-57).

Claim 18. Moran discloses the computer program of claim 17 wherein the process routine adapted and configured for using the stored data to determine the insured economic impact includes calculations to account for hypothetical tax consequences resulting from the sale of the first portion of the personal assets and wherein the process routine adapted and configured for using the stored data to determine the uninsured economic impact includes calculations to account for hypothetical tax consequences resulting from the sale of the second portion of the personal assets (Moran: fig. 5; simulator (115); col. 26, lines 23-42).

Claim 19. Moran discloses the computer program of claim 18 wherein the hypothetical tax consequences are accounted for in the process routine adapted and configured for using the stored data to determine the insured economic impact by assuming that any long-term care costs in excess of the monetary insurance benefits and all of the insurance premiums are paid for by the sale of the first portion of the personal assets (Moran: fig. 35; simulator (115); col. 26, lines 23-35, 50-51).

Claim 20. Moran discloses the computer program of claim 18 wherein the process routine adapted and configured for using the stored data to determine the insured economic impact includes calculations to account for hypothetical unrealized investment opportunity resulting from the sale of the first portion of the personal assets and wherein the process routine adapted

and configured for using the stored data to determine the uninsured economic impact includes calculations to account for hypothetical unrealized investment opportunity resulting from the sale of the second portion of the personal assets (Moran: fig. 5; simulator (115); col. 26, lines 23-42).

Claims 22, 25 and 27: Moran discloses a method of advising a person comprising using the method of claim 21, 23 and 27 respectively in an effort to persuade the person to purchase long-term care insurance (abstract; col. 24, lines 6-9).

Claim 24: Moran discloses the method of claim 23 wherein the steps of determining an insured economic impact and of determining an uninsured economic impact are generally made simultaneously (col. 28, lines 9-11).

Conclusion

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. USPN 6,360,210 B1, USPN 6,516,303 B1, USPN 6,584,446 B1, USPN 6,611,807 B1 and JP2001249971A are cited of interest.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sally Shih whose telephone number is 703-305-8550. The examiner can normally be reached on Flexible Schedule.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on 703-308-1065. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

sys

HANI M. KAZIMI
PRIMARY EXAMINER